

HON. FRANCIS A. KAHN III, Mortgage Foreclosure Part 32, 111 Centre Street,
Courtroom 1127(B)
Courtroom phone: (646) 386-5607
Assistant Law Clerk: Kiran Kanwar, Esq.
Part Clerk: Tamika Wright

Oral Argument and Conferences on Motions: Tuesdays at 9:30 a.m.
All Conferences: Tuesdays at 9:30 a.m.

I. COMMUNICATIONS WITH THE PART CLERK AND CHAMBERS

A. Scheduling Matters and Requests for Adjournments:

- i. Please do not communicate with chambers by any means concerning adjournments of all matters. **ALL** requests for adjournments are to be directed to the Part Clerk.
- ii. A preliminary or compliance conference may be adjourned once on consent for no more than 30 days. A stipulation agreeing to the adjournment must be e-filed and a copy of the stipulation must be filed with the Part Clerk at least 24 hours in advance of the conference date either by hand delivery or email at **tswright@nycourts.gov**. Any adjournment by stipulation submitted less than 24 hours prior to the scheduled conference must be approved by the Court. Further adjournments require Court leave.
- iii. For all motions pending in the Submissions Part (60 Centre Street, Rm. 130), follow that part's rules regarding adjournments, scheduling, and withdrawals.
- iv. **Requests for adjournment of a calendared motion must be made upon consent of all parties by written stipulation 48 hours in advance.** No letters will be accepted. The stipulation must be e-filed and either hand delivered or e-mailed to the Part Clerk at **tswright@nycourts.gov**. Requests for adjournment of a motion made on the day of oral argument must be made in person. **Adjournments of a motion by stipulation received less than 48 hours in advance of the oral argument date may not be accepted.**
- v. **All adjournments must be confirmed by contacting the Part Clerk.**
- vi. Parties can request a pre-note settlement conference by calling the Part Clerk.

B. No *ex parte* communications. Please do not call or e-mail the Justice or his Court Attorneys. It is not necessary to copy the Court on letters and documents exchanged between counsel. Such communication will not be reviewed.

- i. Calls to chambers specifically authorized by the Court may only be placed by attorneys. No law office employees, assistants or aides may call chambers. Please be sure all parties are on the line before conferencing with the Judge or Court Attorney.

- ii. **DO NOT** call the Part Clerk or chambers for a status update or to ask whether a decision has been issued. All decisions and orders are scanned and available online via nycourts.gov.

II. FORECLOSURE RULES:

NOTICE: Please be advised that in light of the COVID-19 pandemic, please take notice of the following procedures with regard to residential and commercial foreclosure proceedings:

<http://www.nycourts.gov/LegacyPDFS/admin/opp/Foreclosure-Proceedings.pdf>

- A. Foreclosure Conference Part: Conferences will be held on Tuesdays at 9:30 a.m. unless otherwise specified by the Court.
 - i. Be prepared to discuss the status of the cases and have full settlement authority.
 - ii. **Requests for adjournment of a calendared conference must be made upon consent of all parties by written stipulation 24 hours in advance.** (Refer to adjournment procedures above).
- B. Mortgage Foreclosure Part (“MFP”): MFP conferences will be held on Wednesdays at 2:15p.m at 60 Centre Street. The referees for conferences for MFP cases is:
David Solomkin (646) 386-3618.
 - i. **Requests for adjournment of MFP conferences must be made upon consent of all parties by written stipulation 48 hours in advance** and emailed to the referees and e-filed with the court.

II. MOTION PRACTICE - WORKING COPIES OF MOTION PAPERS ARE ONLY REQUIRED AT THE DIRECTION OF THE COURT.

- A. Any request for an extension for motions returnable in Submissions Room 130 shall be made upon consent by all parties by written stipulation before the current return date.
- B. All discovery motions will be calendared for a conference with the Court. All other motions may be calendared at the discretion of the Court.
- C. Once all parties are present on a motion, notify the Part Clerk, and the case will be called for argument or conference at the discretion of the Court.
- D. Counsel should not submit a single .pdf file under a single document number for all papers submitted on a motion. Each e-filed document must have its own respective document number (e.g. Doc #10, Notice of Motion).
 - i. Each page in any exhibit must be numbered. Reference to any exhibit must include pinpoint citations to the exact page within the exhibit. Each exhibit must have protruding exhibit tabs identifying the exhibit.

- ii. All exhibits electronically submitted must be described in the heading of the attached exhibit (e.g. Exhibit A – Bill of Particulars), so that it is known what document is filed in the exhibit.
 - iii. Memoranda of law must be separated from other papers.
- E. Citation to deposition testimony must include notation of page and line number in transcript. Entire transcript must be provided not simply excerpts.
- F. Reference to any other voluminous exhibits annexed to a motion must include pinpoint citations noting the exact location within the exhibit.
- G. After motions are fully submitted, the Court will not permit additional submissions. Letters to the Court after oral argument or submission regarding sub judice motions will be returned to counsel.
- H. **Discovery Motions:**
 - i. If a discovery dispute arises, parties in lieu of filing a motion, are encouraged to request a conference by calling the Part Clerk. Conferences will be granted at the Court's discretion.

III. ALL OTHER CONFERENCES

- A. Counsel attending conferences shall be familiar with the case and have authority to discuss and stipulate to resolve all discovery issues.
- B. When all parties are present, please complete a stipulation or preliminary conference order with dates for completing discovery. End date of discovery, impleader deadline, future conference date, and note of issue dates will be chosen by the Court.
- C. If during a conference, counsel must appear in another part, notify the Part Clerk and all other parties, and provide a telephone number at which you may be reached.
- D. At compliance conferences, counsel must bring a list of all outstanding discovery.

IV. TRIALS

- A. Parties assigned to this part for trial must furnish the following:
 - i. A list of proposed witnesses, including the need for any interpreters with the required language and dialect.
 - ii. Marked pleadings and all bills of particulars.
 - iii. All decisions in the case on dispositive motions, including appellate decisions.
 - iv. Any notices to admit and responses.
 - vi. Copies of EBT's intended for use at trial.
- B. For jury trials, the following shall also be provided:

- (a) Proposed jury instructions. If requested instructions are verbatim Pattern Jury Instructions, only PJI cites are necessary. If a PJI instruction is not verbatim, the entire text with additions or changes in italics must be provided to the Court and to opposing counsel.
- (b) Proposed verdict sheet.
- (c) In limine motion or other applications must be submitted to the Court prior to the commencement of trial with copies for opposing counsel. Whenever practicable, in limine motions should be brought to the attention of the Court at the pre-trial conference. Any such motion or application must include citations to relevant authority.
- (d) Exhibits are to be pre-marked for identification, or in evidence if counsel agree, prior to the commencement of trial.
- (e) Counsel shall confirm all subpoenaed documents have arrived in the subpoenaed records room at 60 Centre Street prior to trial.